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Chairman : Mrs. Londoño (Vice-Chairperson) ..... (Colombia)

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In the absence of Mr. Belinga-Eboutou (Cameroon), Mrs. Londoño (Colombia), Vice-Chairperson, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 110: Advancement of women *(continued)* (A/C.3/58/L.36)

Draft resolution A/C.3/58/L.36: Future operation of the International Research and Training Institute for the Advancement of Women

1. **Mr. Kadiri** (Morocco), introducing the draft resolution on behalf of its sponsors, said that a certain amount of progress had been made since the adoption of General Assembly resolution 57/175 accepting the recommendations of the Working Group set up to the revitalize the Institute. In particular, the Economic and Social Council had by its resolution 2003/57 decided to amend articles III and IV of the Institute's statute. Unfortunately, however, other recommendations of the Working Group had not yet been brought into effect, in particular that concerning the appointment of a Director of the Institute, whose role would be essential to the revitalization process and fund-raising activities. The draft resolution before the Committee reiterated the request addressed to the Secretary-General in General Assembly resolution 57/311 to appoint without delay a Director of the Institute. The draft also urged Member States to make voluntary contributions to the Trust Fund and provided that the General Assembly would, if needed, provide funds complementary to the existing ones, to ensure that the Institute had adequate resources for one year from the date of the Director's appointment. He hoped that the draft would be adopted by consensus.

2. The text of the draft had been amended as follows: the word "final" in the first line of operative paragraph 1 was deleted. In paragraph 2, the symbol (A/57/330 and Add.1) had been inserted after the words "in its report". In paragraph 5, the words "and to prepare the report" were replaced by "and to present its report". Lastly, the following had been added at the end of paragraph 6: "(A/57/330 and Add.1), until the new Executive Board convokes its first session,".

3. **The Chairman** announced that Romania had become a sponsor of the draft resolution.

Agenda item 113: Promotion and protection of the rights of the child *(continued)*

Draft resolution A/C.58/L.25/Rev.1: The girl child

4. **Ms. Muuondjo** (Namibia), introducing the draft resolution on behalf of the States members of the Southern African Development Community (SADC), said that the object of the draft was to continue to focus attention on the situation of girl children, still suffering from various forms of economic and sexual exploitation, violence and discrimination, in particular in the field of education. The draft adopted at the preceding session had been updated by means of changes to the fourth preambular paragraph and to operative paragraphs 3 and 8; a key feature was the decision that the General Assembly would review the issue every two years. Her delegation hoped that the draft would receive the same support as in previous years and would be adopted by consensus. Algeria, Azerbaijan, Cameroon, China and Thailand had joined the co-sponsors.

5. **The Chairman** announced that Barbados, Chile, Costa Rica, Cote d'Ivoire, Dominican Republic, Guatemala, Jamaica and Togo had also become sponsors of the draft resolution.

Agenda item 116: Right of peoples to self-determination *(continued)* (A/C.3/58/L.31, A/C.3/58/L.34 and A/C.3/58/L.35)

Draft resolution A/C.3/58/L.31: Universal realization of the right of peoples to self-determination

6. **Mr. Andrabi** (Pakistan) introduced the draft resolution on behalf of its co-sponsors, who had since been joined by Bosnia and Herzegovina, Iraq and Somalia. Recalling that the right of peoples to self-determination, an essential principle of international law, was enshrined in the Charter of the United Nations and had been reaffirmed at numerous international conferences, he said that the existence of that right had enabled many of the world's peoples to achieve independence, thus swelling the ranks of sovereign States Members of the United Nations. Regrettably, however, far from being universally applied, the right of peoples to self-determination continued to be flouted in Palestine, Jammu and Kashmir and other parts of the world, moreover, the exercise of the right to self-determination belonged only to peoples and not to their

rulers. The draft before the Committee was an updated version of resolution 57/197, which the General Assembly had adopted by consensus. He therefore hoped that the Committee would adopt it without a vote.

7. **The Chairman** announced that Armenia had become a sponsor of the draft resolution.

Draft resolution A/C.3/58/L.34: World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

8. **Mr. Kadiri** (Morocco), introducing draft resolution A/C.3/58/L.34 on behalf of the Group of 77 and China, said that its structure was the same as that of resolution 57/195. The new provisions referred to positive developments that had taken place within the framework of the Commission on Human Rights as a result of the work of its intersessional working groups and of regional initiatives. After briefly reviewing the sixth and tenth preambular paragraphs, he dwelt at greater length on the eighteenth preambular paragraph expressing the General Assembly's deep alarm at increasing incidents of racism at sporting events. Turning to section I of the operative part, he said that the new paragraphs (3, 5, 7 and 8) related to the misuse of the media and new communications technologies for racist propaganda purposes and to political organizations based on racism. In section II, the General Assembly called for the universal ratification of international human rights instruments combating racism (paragraph 10). Section III contained some new paragraphs (25, 29, 30 and 31) relating to new developments in connection with the follow-up to the Durban Declaration and Programme of Action. In paragraphs 36, 37 and 38 of section IV the General Assembly noted that the objectives of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination had not been achieved and decided to close the Third Decade so as to make the Durban Declaration and Programme of Action the only focus for efforts in that field. In section V (paragraphs 47 and 48) it urged Member States and other stakeholders to implement the recommendations of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

9. He invited all delegations to become co-sponsors of the draft resolution and expressed the hope that it would be adopted by consensus.

Draft resolution A/C.3/58/L.35: The right of the Palestinian people to self-determination

10. **Mr. Roshdy** (Egypt) introduced draft resolution A/C.3/58/L.35 on behalf of its sponsors, who had been joined by Andorra, Armenia, Chili, Japan, Liechtenstein, Lithuania, Luxemburg and Poland.

11. Drawing attention to an error in the heading of the French text of the draft resolution, he requested its rectification.

12. His country deplored that the Palestinians were still being deprived of their right to self-determination despite the United Nations resolutions which Israel continued to flout. As long as the international community remained powerless in face of the problem, the Palestinian people would not be able to enjoy its right to self-determination.

13. The draft resolution before the Committee was identical with that presented the preceding year (AC.3/57/L.35), for the situation had unfortunately failed to develop. Egypt would continue submitting the same draft every year until the Palestinians obtained the right to self-determination.

14. **The Chairman** announced that Afghanistan, Botswana, Cape Verde, Croatia, Lesotho, Madagascar, Monaco and the People's Democratic Republic of Korea had become sponsors of the draft resoluton.

15. **Mr. Knyazhinskiy** (Russian Federation) , speaking on the subject of organization of work of the Third Committee, drew attention to an error in the Russian version of the Journal of 7 November, which wrongly announced that the Committee would, at its 36th meeting, take decisions on draft resolutions which in reality had only just been introduced. Russian being one of the six official languages of the Organization, he urged the Department responsible for publishing the Journal to ensure that errors of that kind, which hampered the work of his delegation, did not recur in future.

Agenda item 117: Questions relating to human rights *(continued)*

(a) Implementation of human rights instruments *(continued)* (A/58/40 (Suppl.), A/58/44 (Suppl.), A/58/120, A/58/221, A/58/284, A/58/306, A/58/307, A/58/326 and A/58/350)

16. **Mr. Goettlicher** (Croatia) said that as the international environment was becoming more and more affected by conflict and violence, the elimination of torture everywhere in the world remained an international priority.

17. Stressing the importance of the framework offered by existing international instruments, especially the United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and its Optional Protocol, in the struggle against such practices, he said that his country had been a party to the Convention since 1991 and had signed its Optional Protocol during the current session of the General Assembly after participating actively in its drafting. Urging all States Members to do likewise, he said that the Optional Protocol provided a valuable complement to the Convention and offered additional guarantees to ensure its full implementation. In providing for the establishment of a system of regular visits to places of detention by independent national and international bodies mechanisms and of an independent international monitoring mechanism whose members were distinct from those serving on the supervisory committee for the treaty, it contributed to the prevention of torture. The international visiting system set up within the Council of Europe had proved its effectiveness and preventing torture and improving detention conditions. The Protocol partially followed the ideas of the European Convention for the Prevention of Torture and would therefore facilitate the application of a similar system at the global level. Another important innovation was that it laid down criteria for the establishment of national visiting mechanisms. Thus the complementary functioning of national and international mechanisms in the implementation of an international standard was being prescribed for the first time.

18. After informing the Committee that torture was defined as a crime in his country's Penal Code, he described the laws by which torture and related practices were combated in Croatia, referring first to the Prison Sentence Execution Act, according to which the primary purpose of serving prison sentences - during which the persons serving such sentences were to be treated humanely and with due respect for their dignity - was to rehabilitate them for life in society. The Act set forth the basic rights of all convicts, in particular confidentiality of personal data, the right to work, education, health-care protection, contact with the outside world, professional legal assistance, voting rights etc. It also provided for a "sentence advocate" responsible for protecting the rights of convicts, verifying the legality of prison sentences and ensuring the convict's equality before the law.

19. Prison conditions were monitored by the courts, the Office of the General Ombudsman, the Red Cross and NGOs. At a recent meeting with the head of the Government Office for Human Rights, the General Ombudsman had spoken with approval of conditions in Croatian prisons. Other pertinent legislation included the Criminal Proceedings Act, which set forth rules for the protection of persons - including those serving prison sentences - from any form of harassment, and the Criminal, Business Infraction and Misdemeanour Sanctions Act.

20. **Mr. Win** (Myanmar) reiterated his country's long-standing policy of cooperation with the United Nations, including in the field of human rights. Myanmar always gave a warm welcome to United Nations representatives. The current visit by the Special Rapporteur of the Commission on Human Rights, with whom his Government was fully collaborating, testified to Myanmar's commitment to the principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights and to its awareness of its responsibilities as a party to various international human rights instruments.

21. Since assuming power in 1988 in order to put an end to an intolerable political situation, the present Government had consistently striven to meet the basic needs of its people and to promote social progress. Because of the many allegations of human rights violations coming from areas where armed insurgencies had been raging for some forty years, it had also given priority to concluding cease-fire agreements with more than 90% of the country's armed ethnic groups. Current allegations of human rights breaches came only from areas where armed insurgents and their mentors from abroad were resorting to negative propaganda campaigns.

22. In the great majority of the country's provinces where peace had been restored, all human rights violations had ceased and significant achievements in

terms of human development, obtained through a major effort of infrastructure building or restoration, were now clearly visible. Unfortunately, those successes had so far received little recognition from the international community.

23. Decades of armed conflict had left many rural areas not only devastated but also completely ignorant of fundamental human rights principles. Many initiatives assisted from abroad had been undertaken with the object of enhancing awareness of those issues in the Government, the police and the population at large. The Government, for its part, had made great efforts in the fields of education and health.

24. However, the sanctions and restrictive economic measures imposed by certain Western Powers were impeding control of epidemic and endemic diseases and economic development, causing severe unemployment.

25. Western countries, the world's largest drug importers, were refusing to assist his Government's efforts in the struggle against drugs trafficking. Nevertheless, according to the United States Government itself, Myanmar's poppy crop had declined by 39% in the 2002-2003 growing season.

26. Religious freedom was firmly established. The Government granted financial aid to all religious communities, made the necessary arrangements for pilgrims, and protected minority religions. Any attempt to foster inter-community hatred would, however, be firmly handled within the framework of the law.

27. His Government was determined to bring about an evolution towards multi-party democracy once peace and stability had been fully restored. The "Seven-Step Road Map to Democracy" was designed to revive the National Convention process with a view to drafting a firm and enduring constitution. That endeavour had gained the support of regional partners and well-meaning neighbours who had a good understanding of Myanmar's political situation. The transition process would continue provided the international community gave due recognition to the positive achievements made and refrained from interfering in Myanmar's internal affairs.

28. **Mr. Kweon** (Republic of Korea), after paying tribute to the memory of Mr. Vieira di Mello, United Nations High Commissioner for Human Rights, and the other members of the United Nations family who had lost their lives together with him in Baghdad, said that the promotion and protection of human rights were not only a goal but also an instrument of progress in many other fields of activity. On the occasion of the Millennium Summit, his country together with others had undertaken to uphold internationally recognized human rights and fundamental freedoms and to strive for the protection and promotion of civil, political, economic, social and cultural rights for all.

29. Notwithstanding continuing human rights violations, terrorist attacks and the spread of discriminatory laws and practices, considerable progress had been made in recent years in institutionalizing the promotion and protection of human rights, in particular as a result of the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the adoption of the Optional Protocol to the Convention against Torture and the establishment of the International Criminal Court. Securing the universality of the major human rights instruments was an essential task, and his delegation was pleased to note the steady progress made towards their universal ratification.

30. Referring to the report of the Secretary-General in document A/58/351, he stressed the need to support national human rights systems, integration of human rights in national development plans and reform of national laws and institutions and to promote awareness of human rights in implementation and reporting processes. The High Commissioner's Office and the developed countries should provide assistance to such efforts.

31. The report on the fifteenth meeting of chairpersons of human rights treaty bodies (A/58/350) contained a number of useful ideas for streamlining the work of those bodies, such as harmonisation of reporting guidelines, expansion of core documents and presentation of a single comprehensive report. The practical difficulties experienced by many countries in preparing reports, essentially as a result of insufficient resources, should also be taken into account.

32. His country was a party to the six main human rights instruments, which were therefore fully binding on the judicial and executive authorities and on all public entities in the Republic of Korea. The Government's periodic reports to the treaty bodies, as well as those bodies' comments and concluding

observations, were published. The Republic of Korea's second periodic report to the Committee on the Rights of the Child had been examined in January 2003 and the 11th and 12th periodic reports to the Committee on the Elimination of All Forms of Racial Discrimination in August 2003.

33. **Ms. Gorely** (Australia), speaking also on behalf of Canada, New Zealand, Norway and Chile, recalled the vital role played by the human rights treaty bodies in the promotion and protection of human rights and welcomed the significant steps set in train towards those bodies' reform. At the preceding session of the General Assembly, the Secretary-General's report in document A/57/387 had highlighted the urgent need to streamline their operation.

34. Over the past twelve months the Office of the High Commissioner for Human Rights had consulted widely with stakeholders to formulate a response to the Secretary-General's recommendations. It was gratifying to note that in his new report (A/58/351) the Secretary-General referred positively to the outcome of a brainstorming session convened by the Government of Liechtenstein in May 2003, bringing together for the first time a cross-regional group of States, representatives from each treaty body, Secretariat staff, NGOs and specialized agencies. The report on that meeting (A/58/123) recommended that the Secretariat should draft guidelines for an expanded core document, as well as more harmonized reporting guidelines, for consideration at the third inter-Committee meeting to be held in 2004.

35. Commending the efforts of all treaty bodies for their ongoing efforts to engage in dialogue with States, she expressed the view that the inter-Committee meetings also served to make the whole system more coherent. Participants in the second meeting had supported the preparation of targeted periodic reports, harmonization of reporting guidelines and measures to address non-reporting.

36. As the late High Commissioner had pointed out at the fifty-seventh session, the fact that his Office received less than 1.54% of the regular budget of the United Nations was at odds with the importance given to human rights in the Charter. She encouraged States to support OHCHR's bid for additional resources, to be considered in the Fifth Committee. Notwithstanding the resources situation, the Secretariat had introduced positive measures to strengthen collaboration between the treaty bodies with a view to fostering a more collegial approach.

37. States parties also had a role to play in making the system more effective. The third workshop on the treaty bodies hosted by her Government on the theme of "Improving coordination across the system" had been attended by a cross-regional group of 30 States, the Chair of the Committee on the Rights of the Child and members of the Secretariat. Participants had noted the value of the initiatives discussed at the Malbun (Liechtenstein) meeting and had discussed the role of information technology in reducing the burdens on the system at national and international levels. A Canadian draft resolution designed to improve the functioning of the treaty bodies had been adopted by consensus at the previous session of the General Assembly.

38. The treaty bodies had done a great deal in recent years to absorb the backlog of reports awaiting consideration. Only the Committee on the Rights of the Child still had a significant backlog and was exploring cost-effective options to redress the situation. The problem of chronic non-reporting should also not be forgotten. The countries on whose behalf she was speaking would continue to work with others to ensure that satisfactory solutions to all outstanding problems were found and implemented.

39. **Ms. Pham Thi Kim Anh** (Vietnam) stressed the importance of the six core human rights instruments, to five of which Vietnam was now a party, having signed and ratified the two International Covenants, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Elimination of Racial Discrimination as early as 1982 and having been the first country in Asia and the second in the world to sign and ratify the Convention on the Rights of the Child in 1991.

40. So far as meeting the reporting obligations was concerned, her country had presented all the reports that were due. It was considering signing and ratifying the Convention against Torture before 2010.

41. Treaty bodies, entrusted with the crucial task of monitoring the implementation by States parties of their obligations under human rights instruments, were facing many challenges that eroded their effective functioning, including insufficient coordination, a need to reduce the burden on States parties by combining reports or extending reporting periods, a need to strengthen cooperation between the treaty bodies and

the States parties while accentuating the primacy of State reports as the basis for dialogue, and insufficient transparency and objectivity in the use of information supplied by NGOs.

42. Vietnam welcomed and fully supported efforts to streamline reporting procedures and to improve coordination among the treaty bodies and between those bodies and other human rights agencies. The meeting of chairpersons and the inter-Committee meeting were of great importance in providing a valuable forum for discussion and an opportunity to develop a consistent approach to substantive human rights issues.

43. While the implementation of international human rights instruments was ultimately the responsibility of States, her country considered it important to promote cooperation between States parties and the treaty bodies, in particular through the practice of holding informal meetings to review working methods.

44. **Mr. Gallal** (Libyan Arab Jamahiriya) said that his country was subject to Shariah (Islamic law), a set of civilised and dignified rules for human conduct. Recalling the Vienna Declaration and Programme of Action, he said that without the right to development, which could not be dissociated from other fundamental rights, human rights would be a mere intellectual projection without any grip on reality. He regretted that, for all the efforts it was making to protect human rights, the international community still failed to guarantee full enjoyment of the right to development and that massive violations of human rights were still taking place. Certain populations were still living under the yoke of foreign occupation. That was, in particular, the case with the Palestinian people, victim of oppression and of a veritable genocide, as well as with developing countries, particularly in Africa, to which the right to development was denied by reason of the hegemony imposed upon them. His country deplored the continuing lack of will at international level to ensure the right to development.

45. Respect of human rights also required that international sanctions should not be imposed selectively. To impose economic embargos - on technology in particular - for political reasons was to violate human rights and the rights of developing nations. His delegation was astonished that certain countries took the liberty of drawing up lists of human rights violations in other countries while violating those rights themselves elsewhere, and called upon the States concerned to discontinue such practices. Deploring the politicization of human rights contrary to the spirit and letter of international law, it invited States to respect paragraph 3 of Article 1 of the Charter of the United Nations.

46. The Libyan Arab Jamahiriya, whose firm belief in the sacredness of human dignity was attested by the Green Book, its reference framework in human rights matters, unreservedly supported the work of the Commission on Human Rights, which it currently had the honour of chairing, and hoped to be able to continue participating in the implementation of international human rights instruments so that human rights might not be used for political ends but remained a purely human matter.

47. **Mr. Guo Yang** (China) said that his country was a party to 19 international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. China's good faith in implementing those instruments was demonstrated by its continuing promulgation and improvement of domestic legislation, regular submission of implementation reports and compliance with the observations of treaty bodies, thus gaining those bodies' full recognition of China's progress in the implementation of the instruments concerned.

48. In 2003 China had, successively, submitted its initial report on the International Covenant on Economic, Social and Cultural Rights and its second periodic report on the Convention on the Rights of the Child and would shortly present its consolidated fifth and sixth reports on the Convention on the Elimination of All Forms of Discrimination against Women. All those documents contained reports on implementation practices prepared in the two special administrative regions of Hong Kong and Macau, which demonstrated the active support given by his Government to those regions in accordance with the "one country, two systems" principle.

49. While the reporting and review regime set up under international human rights instruments was undoubtedly conducive to their effective implementation, it had certain deficiencies that required attention. Recalling the report on that subject submitted by the Secretary-General to the preceding session of the General Assembly (A/57/387), he said that his delegation approved the basic elements of the Secretary-General's new report (A/58/351), such as the proposals for better coordination among treaty bodies, adoption of consolidated reports to reduce the burden on States parties, especially developing countries, in preparing their implementation reports, and closer cooperation between treaty bodies and States parties with a view to deepening mutual understanding. His delegation hoped to see those elements put into practice in the reform process and would participate actively in consultations aimed at improving the treaty bodies' work.

50. **Mr. Chowdhury** (Bangladesh), after paying tribute to the late United Nations Commissioner for Human Rights, Mr. Vieira de Mello, said that his country viewed human rights as being linked to the practice of democracy, respect for the rule of law, the pursuit of justice and peace, and the realization of the right to development. The tenth anniversary of the World Conference on Human Rights offered an occasion to recall that the Vienna Declaration and Programme of Action recognized the intrinsic connection between human rights and development. The Vienna Declaration had done a great deal for the promotion and protection of human rights, but much still remained to be done by way of translating commitments into concrete action leading to a better world.

51. Deep-rooted respect of human rights in his country's history, society and consciousness was evidenced by the Constitution and the special laws set in place to provide for affirmative action to ensure the basic rights of women, children, minorities and other disadvantaged groups. His country, convinced that development must be founded upon pluralism, democracy, good governance, human rights, gender justice and the empowerment of women, was currently undergoing a positive societal transformation. It was a party to all core international human rights treaties.

52. His Government, fully aware of the essential role of national institutions in creating an enabling environment for the realization of good governance and respect of human rights, had, with help from UNDP, undertaken a project for the establishment of a national human rights commission as well as a number of other measures including the setting up of an ombudsman's office and of an independent anti-corruption commission, separation of the judiciary from the executive, removal of so-called "black laws", autonomy of electronic media and overall strengthening of the rule of law.

53. Absence of human rights was extremely favourable to terrorism, which in turn undermined democracy, threatened social cohesion and bred hatred. The international community had a shared responsibility for the promotion and protection of human rights, and should strengthen its cooperation in that field.

54. **Mr. Machon** (Czech Republic), after associating himself with the general statement of the European Union on the item under consideration, said that, while the treaty bodies system had proved generally successful, its efficiency could bear improvement without any change being made in the treaties themselves. The Office of the High Commissioner was to be commended for engaging in wide-ranging consultations with the treaty bodies, States Parties, United Nations entities and civil society in response to the Secretary-General's report to the preceding session (A/57/387) calling for streamlined reporting procedures and harmonized working methods. His delegation particularly appreciated the fact that the reform issue had appeared regularly on the agendas of meetings between treaty bodies and States parties and of the chairpersons of the treaty bodies themselves. It welcomed the recommendations that had emerged from the consultations held, in particular the proposal for expanded core documents accompanied by focused treaty-specific reports identifying key problems encountered in fulfilling obligations arising from the treaty in question and addressing the treaty body's concluding observations on the previous periodic report.

55. In that connection, it was essential that the concluding observations should be concrete and case-specific and should, where appropriate, suggest improved implementation practices. His Government was pleased to learn that the Secretariat was currently redrafting the guidelines for the preparation of expanded core documents and exploring possibilities of better harmonizing the reporting guidelines, and looked

forward to discussions on that subject in the individual treaty bodies, at the third inter-Committee meeting and at the sixteenth meeting of chairpersons of treaty bodies.

56. It shared the scepticism expressed during the consultations as to the possibility of combining a State's reports to all human rights treaty bodies in a single document. Such a solution would resolve neither the problem of non-reporting nor that of reducing the burden on States Parties and treaty bodies. Neither would the protection of human rights be improved by changing the reporting periodicity of respective treaties or by merging all the treaty bodies into a single organ.

57. Despite all the reforms recommended by the 15th meeting of chairpersons, such as streamlining of the servicing of treaty bodies by the Office of the High Commissioner, cross-references to concluding observations of other treaty bodies, creation of national human rights databases or development of follow-up procedures to the treaty bodies' observations, the current system still had major shortcomings, including in particular non-reporting, which undermined the credibility of the system as a whole and raised serious doubts as to the non-reporting State Party's implementation of its human rights obligations. The problem might be handled, first, by providing technical co-operation in the presentation of reports and the implementation of treaty obligations, possibly through planning and capacity-building assistance, and, second, by extending the practice, already in use in some treaty bodies, of discussing the implementation of treaty obligations in a State party even in the event of prolonged non-reporting. Such a measure did not, in its view, constitute a sanction against the State Party in question but should rather be seen as a last resort, which, although not envisaged in the treaties themselves, would be consistent with their spirit and basic purpose.

58. Additional resources from the regular budget would, of course, be needed in order to ensure better functioning of the treaty bodies. However, significant savings could be achieved by encouraging shorter and more comprehensive reporting.

59. **Mr. Basit Bokhari** (Pakistan) said that his country was firmly committed to the promotion and protection of human rights. Since those rights were interrelated, interdependent and mutually reinforcing, Pakistan had chosen to focus on promoting and protecting civil and political rights in the hope of creating a culture of respect for human rights in general. It had adopted policies that ensured grass-roots citizen participation in decision-making, was making efforts to eradicate extremism and lawlessness, and was reforming the system of religious schools (madrassahs). The judiciary, the press and the media were completely free, and civil society was playing an increasingly active role in the development process.

60. The circumstances in which the Government and people of Pakistan were working to promote and protect human rights were extremely difficult. The terrorist campaign, sponsored by external forces, of which Pakistan had been the target for several years and which had included many bombings in crowded public places and even in places of worship, had, however, failed to dent its resolve to fight the scourge of terrorism.

61. After citing the Secretary-General's report on the work of the Organization (A/58/1), he said that the principal causes of human rights violations were armed conflicts and foreign occupation. During 15 years of Indian occupation, the people of Jammu and Kashmir had seen over 80 000 among them killed, over 100 000 permanently disabled, 15 000 Kashmiri women raped and hundreds of thousands of young people incarcerated and subjected to torture. The sham elections organized by India in order to legitimise the occupation had been rejected outright by the people, as had been reported by the "Jammu and Kashmir Coalition of Civil Society", an Indian-based NGO. According to the Charter of the United Nations and human rights and humanitarian instruments, Kashmiris were entitled to receive international support for the realization of their inalienable rights. The resolution of the Kashmir dispute was imperative for lasting peace and security in South Asia and for the realization of the right to development of more than a billion of that region's poor. The international community must play an active role in ending the dispute and must persuade India to comply with the Security Council's resolutions, using all the means at the disposal of the United Nations, including recourse to international criminal tribunals.

62. **Mr. Sumirat** (Indonesia) said that the national plan of action for the period 1998-2003, now in process of implementation in his country, established a timetable for the ratification of human rights instruments, education in and dissemination of

information on human rights issues, and domestic implementation of human rights instruments in priority areas. In order to meet the challenges arising from the country's great size, complex geographical terrain and very large population, the Government had, in conformity with the spirit of Indonesia's Autonomy Act, enlisted the cooperation of universities, local authorities and NGOs.

63. A second five-year plan currently being drafted for the period 2003-2008 would build on the success of the first. Existing legislation was being harmonised with international instruments to which Indonesia had become a party since 1998, and new legislation enacted where necessary. The possibility of ratifying or acceding to other major international human rights instruments was being considered. Convinced that the protection of human rights was best assured by combining international instruments with national laws, Indonesia had modified its Constitution in August 2000; two years earlier, the highest State institution had promulgated Decree No. XVII/98, containing inter alia the Indonesian Charter of Human Rights. Two Acts, the Human Rights Act 39/1999 and Act No. 26/2000, laid the groundwork for the protection of human rights in Indonesia, the former empowering the National Human Rights Commission, a body independent from the Government, to subpoena witnesses and physical evidence in its investigations of human rights abuses and the latter establishing human rights courts to try human rights cases and punish offenders. Those who violated human rights in Indonesia could not do so with impunity. While emerging democracies needed the established democracies' moral, technical and financial support, the face of democracy had to be shaped in the national image in accordance with national priorities, culture, custom and resources.

64. Recalling the terrorist attack against innocent civilians in Bali in October 2002, he expressed his country's ardent wish to join with the international community in fighting terrorism while continuing on the path of respect of human rights.

65. **The Chairman** announced that the Committee had completed its general debate on agenda item 117 (a).

The meeting rose at 12.10 p.m.